

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

PHILIP CHARVAT and ANDREW
PERRONG on behalf of themselves and
others similarly situated,

Plaintiffs,

v.

SANTANNA NATURAL GAS
CORPORATION, dba SANTANNA
ENERGY SERVICES, JOHN DOE
CORPORATION I dba THE ENERGY
COMPANY and JOHN DOE
CORPORATION II dba ENERGY
INCORPORATED

Defendants.

Case No. 1:18-cv-02310

INITIAL STATUS REPORT

Counsel for the Plaintiffs Philip Charvat and Andrew Perrong and Defendant Santanna Natural Gas Corporation d/b/a Santanna Energy Services¹ submit this Initial Status Report per this Court's April 4, 2018 Order (ECF No. 8).

I. The Nature of the Case

a. Attorneys for Each Party

Plaintiff

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¹ The Co-Defendants have not appeared.

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Defendant

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b. Basis for Federal Jurisdiction

Claims brought pursuant to the Telephone Consumer Protection Act, 47 U.S.C. ¶ 227, (“TCPA”) are subject to federal question jurisdiction. *See Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740 (2012).

c. Nature of Claims and Counterclaims

The Plaintiffs have brought this action under the TCPA, a federal statute enacted in response the proliferation of intrusive, nuisance telemarketing practices. *See Mims* at 745. Plaintiff alleges that Defendants violated the TCPA by making unsolicited and automated telemarketing calls, or by the fact that others did so on its behalf. Plaintiff seeks to represent a class of similarly situated individuals who were sent similar telemarketing calls from, or on

behalf of, Defendant. Plaintiffs' putative class period is for any calls that were sent within four years prior to the filing of the Complaint through the date of class certification. *See* 28 U.S.C. § 1658(a) ("Except as otherwise provided by law, a civil action arising under an Act of Congress enacted after [December 1, 1990] may not be commenced later than 4 years after the cause of action accrues"); *see also* *Giovaniello v. ALM Media, LLC*, 726 F.3d 106, 115 (2d Cir. 2013) (four-year statute of limitations applies to private TCPA claims in federal court).

II. Pending Motions and Case Plan

a. Date of Initial Status Hearing

May 30, 2018 at 9:30 AM.

b. All Pending Motions

None.

c. Electronically Stored Information

The Parties believe that a majority of the discovery in this matter will be electronically stored information. In order to facilitate the complete and efficient production of that material, the Plaintiff has proposed a stipulation regarding the production of this material.

d. Issues of Privilege or Protection

The Parties anticipate submitting a stipulated protective order for the Court's consideration.

e. Proposal for Discovery Plan

Discovery will generally be focused on the following topics:

- i. The merits of Plaintiffs' claims;
- ii. The bases for Defendant's purported defenses;

- iii. Rule 23 issues, including class representative adequacy, the typicality of the claims, whether individualized or class issues predominate, numerosity, and superiority.

The parties request the following schedule:

Fed. R. Civ. P. 26(a)(1) Disclosures: May 24, 2018

Completion of Fact Discovery: February 22, 2019

Completion of Expert Discovery: April 19, 2019

Deadline to File Dispositive Motions: May 10, 2019

f. Trial

If this matter is certified as a class action under Federal Rule of Civil Procedure 23, the parties estimate that trial would take 4-5 days, and if it is not, then the parties estimate that trial will take 2 days.

III. Consent to Proceed Before a Magistrate Judge

The parties do not consent unanimously to proceed before a Magistrate Judge at this time.

IV. Status of Settlement Discussions

The parties are engaging in a mediation of this case, as well as another TCPA class action case pending against Santanna with Hon. Morton Denlow (Ret.) of JAMS on July 26, 2018. The parties have begun the discovery process designed to inform them of their positions at this mediation and have proposed a schedule that will allow them to complete discovery even if that mediation is not successful.

PLAINTIFF,
By his attorneys

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CERTIFICATE OF SERVICE

I, hereby certify that on May 8, 2018, I served the foregoing on counsel of record through the Court's CM/ECF system.

/s/ Anthony I. Paronich

Anthony Paronich

BRODERICK & PARONICH, P.C.